

West Bengal Real Estate Regulatory Authority  
Calcutta Greens Commercial Complex (1st Floor)  
1050/2, Survey Park, Kolkata- 700 075

Complaint No. WBRERA/COM000483

Rupam Mukherjee & Mitali Mukherjee..... Complainants

Vs

Sanjib Dey.....Respondent No.1

HDFC bank, Garia More Branch.....Respondent No.2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
04 14.05.2024	<p>Complainants are present in the physical hearing and signed the Attendance Sheet.</p> <p>Advocate Pradosh Kiran Majumder (Mobile – 9836123934, 9831941439 and email id – rerapandits@gmail.com) is present in the physical hearing on behalf of the Respondent and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>Respondent submitted a fresh Notarized Affidavit dated 28.03.2024 containing his Written Response, as per the last order of the Authority dated 27.03.2024, which has been received by this Authority on 02.04.2024.</p> <p>Let the said Written Response of the Respondent be taken on record.</p> <p>Complainants have submitted a Rejoinder to the Written Response of the Respondent on Notarized Affidavit dated 15.04.2024, as per the last order of the Authority dated 27.03.2024, which has been received by this Authority on 23.04.2024.</p> <p>Let the said Rejoinder of the Complainant be taken on record.</p>	

Heard both the parties in detail.

Respondent in its Written Response and also at the time of hearing stated that he is ready to refund the Complainant the booking amount after deducting 10% of the booking amount as because there is no fault of the Respondent Promoter in the matter of rejection of the Home Loan by the HDFC Bank, Garia More Branch, and he also stated that the Complainants have maligned the brand image of his business intentionally by such false and frivolous allegations.

Complainant stated at the time of hearing that during loan processing by the HDFC Bank, on searching and inspection of the building, bank found that building needed a revised sanctioned plan as there were lot of deviations from the existing plan and thus his loan has been rejected by the said Bank. The Complainant prayed for refund of the booking amount/ advance amount of Rs.8,50,000/- paid by him with statutory interest as early as possible.

After hearing both the parties, the Authority is hereby pleased to give the following directions:-

- a) Let **HDFC bank, Garia More Branch**, situated at No.356/20A, first floor, NSC Bose Road, Kolkata – 700047, be included as **Respondent no.2** in this matter for proper adjudication of this matter because as per this Authority HDFC Bank is a necessary party in this matter; and
- b) Respondent No.1 shall submit a Notarized Affidavit stating that whether they have taken written consent from two-third of the Allottees at that point of time when they have applied for revision of the sanctioned plan and whether they have taken the approval of the erstwhile WBHIRA / WBRERA Authority for the revision of the sanctioned plan; and
- c) HDFC bank, Garia More Branch, no.356/20A, first floor, NSC Bose Road, Kolkata – 700047, Respondent no.2 herein is hereby directed to submit a Notary attested Affidavit stating the reasons for rejection of the Home Loan applied by Mr. Rupam Mukherjee

for purchase of a flat in the project '**Sreeram Enclave**' of the Respondent Promoter Mr. Sanjib Dey alongwith the CIBIL Score of the Applicant at the time of processing for the home loan.

The Bank shall send the said Affidavit (in original), as directed above, to the Authority, serving a copy of the same to the Complainant, both in hard and scan copies, within **21 days** from the date of receipt of this order of this Authority through email.

Fix **28.06.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)  
Chairperson  
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority